THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.4438 OF 1998

DATED: 29-08-2007

Between:

T. Ramanadha Sastry and another

.. Petitioners

and

A.P. State Electricity Board, rep. by its Member Secretary, Vidyut Soudha, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.4438 OF 1998

ORDER:

This writ petition is filed seeking a mandamus declaring the G.O.Ms.No.6, Energy (Services.I.1) Department, dated 03.02.1998, as arbitrary, illegal and violative of fundamental rights guaranteed to the petitioners under Articles 14 and 16 of the Constitution of India, and also violative of Judgment of this Court rendered in W.A.No.175 of 1979 and batch, dated 27.12.1980, and of the Supreme Court in S.L.P.No.5537 to 39 of 1981, dated 14.08.1981.

There is no necessity of going into all the details.

G.O.Ms.No.6, dated 03.02.1998, which is impugned in this writ petition, was issued amending the earlier G.O.Ms.No.546 Public Works (E) Department, dated 28.05.1973, and the relevant portion of the same reads as under:

> "In partial modification of the orders issued in G.O.Ms.No.546, Public Works (E) Department, dated 28-5-1973, the name of Sri M.Narasimha Murthy, Junior Engineer, against Serial No.11 in Para (1) of the said order shall be deleted."

It was the contention of the petitioners that if the said amendment is carried out, they would suffer irreparable loss and they would never be promoted to higher posts.

While admitting the writ petition on 18.02.1998, interim suspension of the impugned G.O. was granted. No vacate stay petition is filed till date and the interim order is subsisting as of now. Further, it is brought to the notice of this Court that both the petitioners were subsequently promoted as Chief Engineers and also retired from

service on attaining the age of superannuation.

Under these circumstances, in my opinion, examining as to the validity or otherwise of the impugned G.O.Ms.No.6, dated 03.02.1998, could not yield any fruitful results. It is suffice to hold that the impugned G.O. shall not affect the promotions already made in favour of the petitioners and it shall not have any bearing on their service conditions.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

_____

C.V. RAMULU, J

29th August, 2007.

Note:

Issue order copy in three days.

BO
IBL